

## HUMAN SERVICES DEPARTMENT[441]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 217.6, the Department of Human Services proposes to amend Chapter 153, “Funding for Local Services,” Iowa Administrative Code.

The proposed amendments:

- Provide for disenrollment of members from the State Payment Program when available funds are insufficient to meet the costs of services for all of the members enrolled.
- Require the county central points of coordination for mental health, mental retardation, and developmental disability services (CPCs) to provide for evidence of receipt of an application for State Payment Program funding.
- Clarify the assignment to a waiting list for application approval and remove the exemption for persons awaiting community placement from an involuntary inpatient setting.
- Prohibit reimbursement for case management costs eligible for Medicaid reimbursement, appointments and consultations for which the member did not appear, and other specified administrative and service costs.

These amendments are necessary to reduce State Payment Program expenses due to Executive Order Number 19, which mandates a 10 percent reduction in all state appropriations. Iowa Code section 8.38 states “No state department, institution, or agency . . . shall expend funds or approve claims in excess of the appropriations made thereto, nor expend funds for any purpose other than that for which the money was appropriated.”

To implement the disenrollment provisions, each member will be assigned a payment slot number based on the member’s application date and commitment status. The lowest numbers will be assigned to members in involuntary commitment status. When the person is released from the commitment order, a new payment slot will be assigned according to the procedures for all other applicants.

When disenrollment is necessary, members will be disenrolled in reverse order of their payment slot numbers, i.e., with the highest number (most recent approval) first. The Department will give members timely and adequate notice of the funding decision. This action will be subject to appeal according to the Department’s procedures, which provide for continuation of assistance until the final appeal decision is reached, with recoupment of excess assistance if the final decision upholds the Department.

These amendments do not provide for waivers in specified situations other than the preference accorded to funding for involuntary services provided under court commitment. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 8486B**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

Any interested person may make written comments on the proposed amendments on or before February 2, 2010. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

These amendments are intended to implement Iowa Code section 331.440.